

Docket No.: 240114US40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 1615

Noriyuki NAKANISHI

SERIAL NO: 10/615,780

EXAMINER: CHANNAVAJALA, L

FILED: July 10, 2003

FOR: COSMETIC COMPOSITION

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Sir:

Now comes Tatsuya HATTORI who deposes and states that:

1. I am a graduate of Nagoya University and received my Masters degree in the year 1989.
2. I have been employed by AJINOMOTO CO., INC. for 18 years as a researcher in the field of cosmetics.
3. The following experiments were carried out by me or under my direct supervision and control.

A shampoo of the formulation shown in Table (A) below (shown in weight %, total amount 100%) was prepared by an ordinary method, and the odor after a 6-month storage at 40°C was evaluated. The evaluation was conducted based on the following criteria to calculate average values.¹ The average value of 2.5 or more was represented as inferior (×), 1.5 to 2.4 was represented as slightly inferior (△), 1.4 or less was represented as superior (○). The results of the evaluation are shown in Table (A).²

¹ Odor after storage was evaluated and rated as follows:

3: Significant smell change or odor generation compared to the smell before the storage

2: Little smell change or odor generation compared to the smell before the storage

1: No smell change or odor generation compared to the smell before the storage

² Table (A) includes data provided in Table 1 in Specification, page 7, for reference purpose.

Table (A)

Ingredient	Example 1	Example 2	Comparative Example 1	Comparative Example 2	Comparative Example 3	Referential Example 1	Referential Example 2	Referential Example 3
Sodium polyoxyethylene (2) lauryl ether sulfate	9.0	9.0	9.0				9.0	9.0
Sodium lauryl sulfate				9.0	9.0			
Cocamidopropylbetaine	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Sodium chloride	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Sodium PCA	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Butylene glycol	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Polyquaternium-10	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
Methylparaben	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
Tert-Butanol (0.1% aqueous solution)	0.50	0.05		0.50				
Tert-Butanol (10% aqueous solution)						1.0	2.0	5.0
Water	the rest	the rest	the rest	the rest	the rest	the rest	the rest	the rest
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Odor evaluation after storage	o	o	x	o	o	o	△	x
The concentration of Tert-Butanol in the cosmetic composition	5.0ppm	0.5ppm	0ppm	5.0ppm	0ppm	1000ppm	2000ppm	5000ppm

The cosmetic compositions according to Examples 1 and 2 contained tert-butanol in the amount of 5.0 ppm and 0.5 ppm, respectively, and the smell change or odor generation caused by a surfactant having an oxyethylene group, *i.e.*, sodium polyoxyethylene (2) lauryl ether sulfate, was effectively suppressed. In contrast, when the amount of tert-butanol was increased to 2000 ppm and 5000 ppm, as in Referential Examples 1 and 2, respectively, the composition had unfavorable odor after storage. These results show that when tert-butanol is added to a composition in an amount of 0.01 to 1,000 ppm, the smell change or odor generation caused by a surfactant having an oxyethylene group is effectively suppressed.

4. The undersigned petitioner declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

5. Further deponent saith not.

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Signature

Steven H. Hume

Date

Feb. 21. 2007